



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 7, 1992

Ms. Annette Jones
Police Legal Advisor
City of Waco
Legal Services
P. O. Box 2570
Waco, Texas 76702-2570

OR92-584

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17275.

You explain that the City of Waco has received a request for an arrest form and police report concerning an incident that occurred August 28, 1992. You state that you have released the arrest form and portions of the police report to the requestor, but that you have withheld the portions of the report either identifying witnesses or summarizing their statements. You assert that these portions may be withheld pursuant to section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts from required public disclosure

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

You explain that the incident is still under investigation and that "no disposition has been made of the charge." Given these facts, we agree that you may withhold information in the police report that either identifies the witnesses or summarizes their statements pursuant to section 3(a)(8). *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 187 (Tex. Civ. App.--Houston [14th Dist.] 1975),

writ ref'd n.r.e. per curiam, 536 S.W.2d 177 (Tex. 1976); Open Records Decision No. 408 (1984).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-584.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lmm

Ref.: ID# 17275

Enclosure: Submitted documents
Open Records Decision No. 408.

cc: Mr. James Gabel
1715 Lyle
Waco, Texas 76708
(w/o enclosures)